



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**March 15, 2006**

**SUBJECT:**           **2006-0093 – Sunny V Café** [Applicant] **Dick's Lakewood Corp.** [Owner]: Application on a 4.4-acre site located at **1133 Lawrence Expressway** (near Lakedale Wy) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District.

Motion               Use Permit to allow a restaurant with on-site service of beer & wine.

**REPORT IN BRIEF**

**Existing Site Conditions**           Restaurant within a shopping center

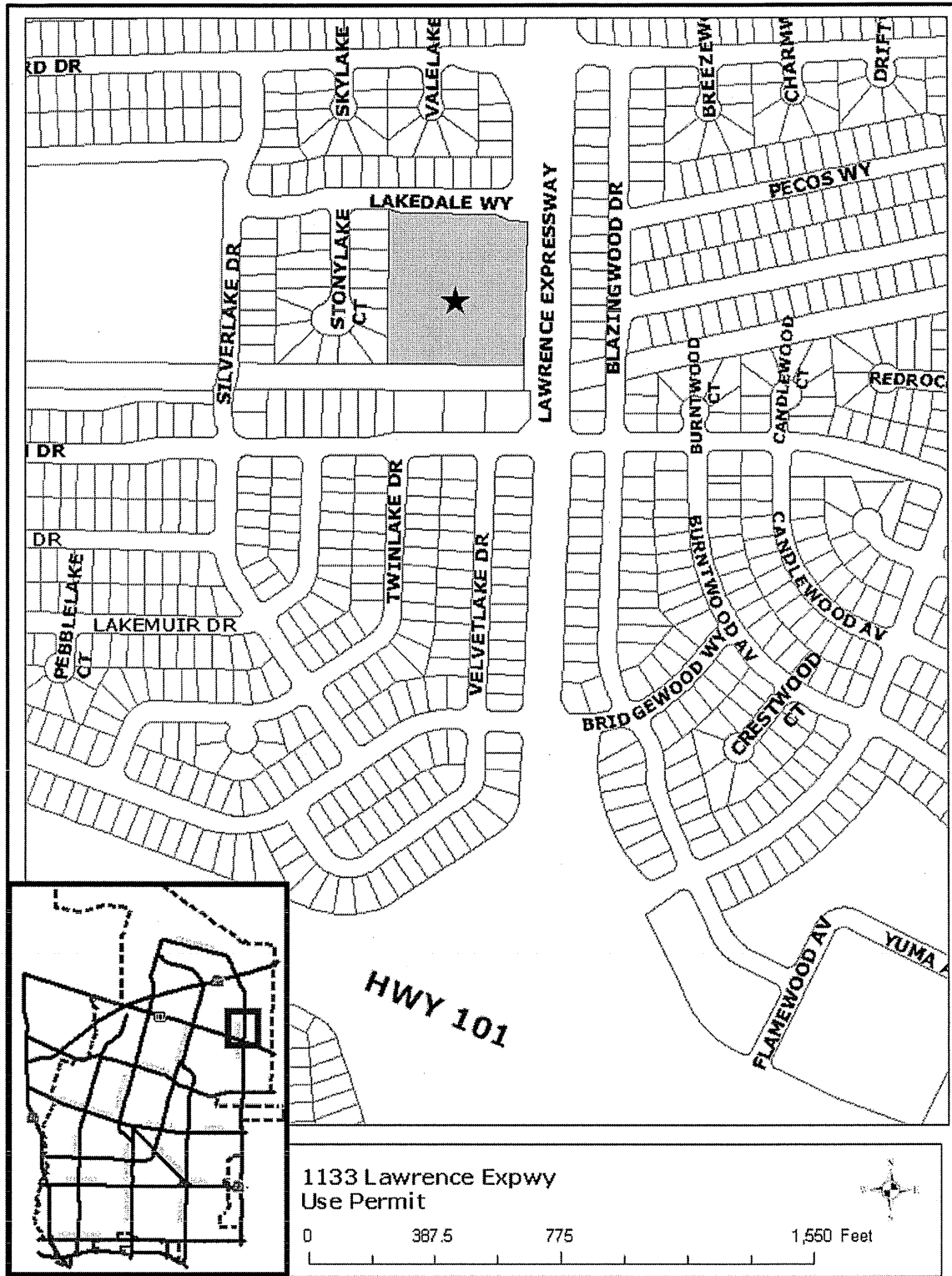
**Surrounding Land Uses**

North	Duplexes across Lakedale Ave
South	Auto Repair & Gas Station
East	Single-Family Home across Lawrence Expressway
West	Single Family Homes

**Issues**                               Compatibility of Use, Parking

**Environmental Status**           A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Approve with conditions



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Commercial Neighborhood Shopping	Same	Commercial Neighborhood Shopping
<b>Zoning District</b>	M-S	Same	M-S
<b>Lot Size (s.f.)</b>	192,971	Same	22,500 min.
<b>Gross Floor Area (s.f.)</b>	56,900	Same	No max.
<b>Gross Floor Area of Tenant</b>	1,700	Same	67,539
<b>Parking</b>			
<b>Total Spaces</b>	434	Same	253 min. (419)
<b>Standard Spaces</b>	375	Same	391 min.
<b>Compact Spaces/ % of Total</b>	50	Same	43 max. (10% of total)
<b>Accessible Spaces</b>	9	Same	9 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

**ANALYSIS****Description of Proposed Project**

The applicant is proposing beer and wine service within an existing restaurant at a multi-tenant shopping center. The space had previously been approved for a bakery use. A Use Permit is required for all new restaurants, including those requesting on-site sale of alcohol service, within this shopping center. Full liquor service is not being requested at this time.

**Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing/Decision</b>	<b>Date</b>
2001-0197	Letter of Convenience and Necessity for beer and wine	Staff/Approved	5/2/2001
2000-0832	Allow Ballroom Dance School	Administrative/Denied	1/10/2001
1998-0351	New Restaurant	City Council (by appeal)/Approved	7/15/1998
1998-0038	Upgrades to the architecture and site	Planning Commission (by appeal) / Approved	11/25/1996
1994-0027	New Restaurant	Administrative/Approved	6/29/04
1993-0009	New Restaurant	Administrative/Approved	1/19/93

The applications listed above are only a partial list for the entire shopping center and are not specific to the subject tenant space.

The proposal was originally scheduled for the Administrative Hearing of March 2, 2006. A continuance was requested after it was determined that the restaurant use had not been previously approved within this tenant space, and more information was needed to complete the proposal. The applicant has since submitted more information regarding the other uses and parking conditions of the site.

### **Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes changes of use in existing facilities.

### **Use Permit**

**Use:** The proposed use is for a restaurant with on-site sale and consumption of beer and wine. The Department of Public Safety has reviewed the proposal and has commented on the requirement of receiving a license from the Department of Alcoholic Beverages Control (ABC) for the sale and consumption of liquor. The applicant is not proposing any live entertainment or modifications to the existing hours of operation. Condition of Approval #1G requires a Use Permit if live entertainment is requested in the future. Staff recommends Condition of

Approval #1.D, which states the hours of operation are as follows: 10am – 10pm daily.

**Site Layout:** This restaurant is located within an existing shopping center consisting of 13 tenant spaces. The applicant is not proposing any exterior or interior changes to the building. The building and overall site underwent remodeling and general improvement within the last ten years.

**Floor Plan:** A seating area for customers is located towards the front of the tenant space. Restrooms are located towards the middle while a kitchen area is situated at the back of the building. (A Site Plan and Floor Plan is included in Attachment C)

**Parking/Circulation:** The site contains 434 parking spaces. For shopping centers over 50,000 square feet a total of 253 parking spaces are needed. However, Sunnyvale Municipal Code 19.46.020 specifies that when one use comprises 10 percent of the floor area for the center, a combination of each of the parking rates shall apply. As the shopping center would be composed of approximately 30% restaurant including the proposed use, a rate that takes into account each use would apply. Attachment E contains a chart indicating the required parking for each of the uses on site. In summary, the revised rate indicates that approximately 419 spaces are needed for the shopping center. Therefore, the site provides adequate parking capacity for each of the uses on-site.

The site provides 50 compact spaces where on 43 (10 percent) is allowed for shopping center uses. As the site provides exceeds parking requirements for the entire site and there are no further modifications proposed, staff is not requiring any modifications to the current parking of the site.

**Compliance with Development Standards/Guidelines:** The proposed project complies with all development standards and guidelines with the exception of compact parking as noted in the above section.

**Expected Impact on the Surroundings:** Staff believes that the proposed restaurant with beer and wine service should not have a negative impact to the site or surrounding uses. As conditioned, the project will be required to receive an additional Use Permit, if live entertainment is requested in the future. The use will not create an over-concentration for alcohol sales in combination with similar restaurants with the sale of alcohol within the shopping center. As noted in the parking section of the report, the site contains adequate parking for all uses within the shopping center

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**Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

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**Public Contact**

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Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 30 notices mailed to property owners and residents adjacent to the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

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**Conclusion**

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**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Conditions of Approval are located in Attachment B.

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**Alternatives**

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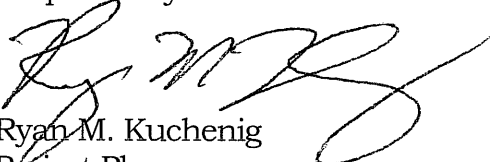
1. Approve the Use Permit with the recommended Conditions of Approval found in Attachment B.
2. Approve the Use Permit with modified Conditions of Approval.
3. Deny the Use Permit.

**Recommendation**

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Alternative 1.

Prepared by:



Ryan M. Kuchenig  
Project Planner

Reviewed by:



Andrew Miner  
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter submitted by the Applicant
- E. Parking Chart





## **Recommended Findings - Use Permit**

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Goals and Policies that relate to this project are:

### **Land Use and Transportation Element**

*Policy N1.7- Support the location of convenient retail and commercial services (e.g. restaurants and hotels) in industrial areas to support business, their customers and their employees.*

### **Land Use and Transportation Element**

*Action Statement N1.1.1 – Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

## **Recommended Findings - Use Permit**

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. *(Finding Met)* The proposed restaurant with beer and wine sales meets all development standards for the site. The beer and wine service will enable the business to provide additional services to its patrons while not causing any negative impacts to surrounding uses.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District. As indicated in the report, the site contains adequate parking for the restaurant use. The ability to serve beer and wine in conjunction should not be detrimental to the public welfare or injurious to surrounding properties, through conformance to the conditions of approval and compliance with SMC. Restaurants that include the on-site service of beer and wine are located near the subject site.



**Recommended Conditions of Approval - Use Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1 GENERAL CONDITIONS**

- A. The two-year expiration of the Use Permit shall be measured from the date of the approval by the final review authority at a public hearing if the approval is not exercised.
- B. Project shall be in substantial conformance to the approved plans. Minor changes may be approved by the Director of Community Development. Major changes shall be approved at a public hearing.
- C. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- D. The operation hours for the business shall be as follows:  
10:00am – 10:00pm - Daily
- F. All recycling and solid waste shall be confined to approved receptacles and enclosures.
- G. Any proposed live entertainment use shall require a public hearing through a Use Permit.

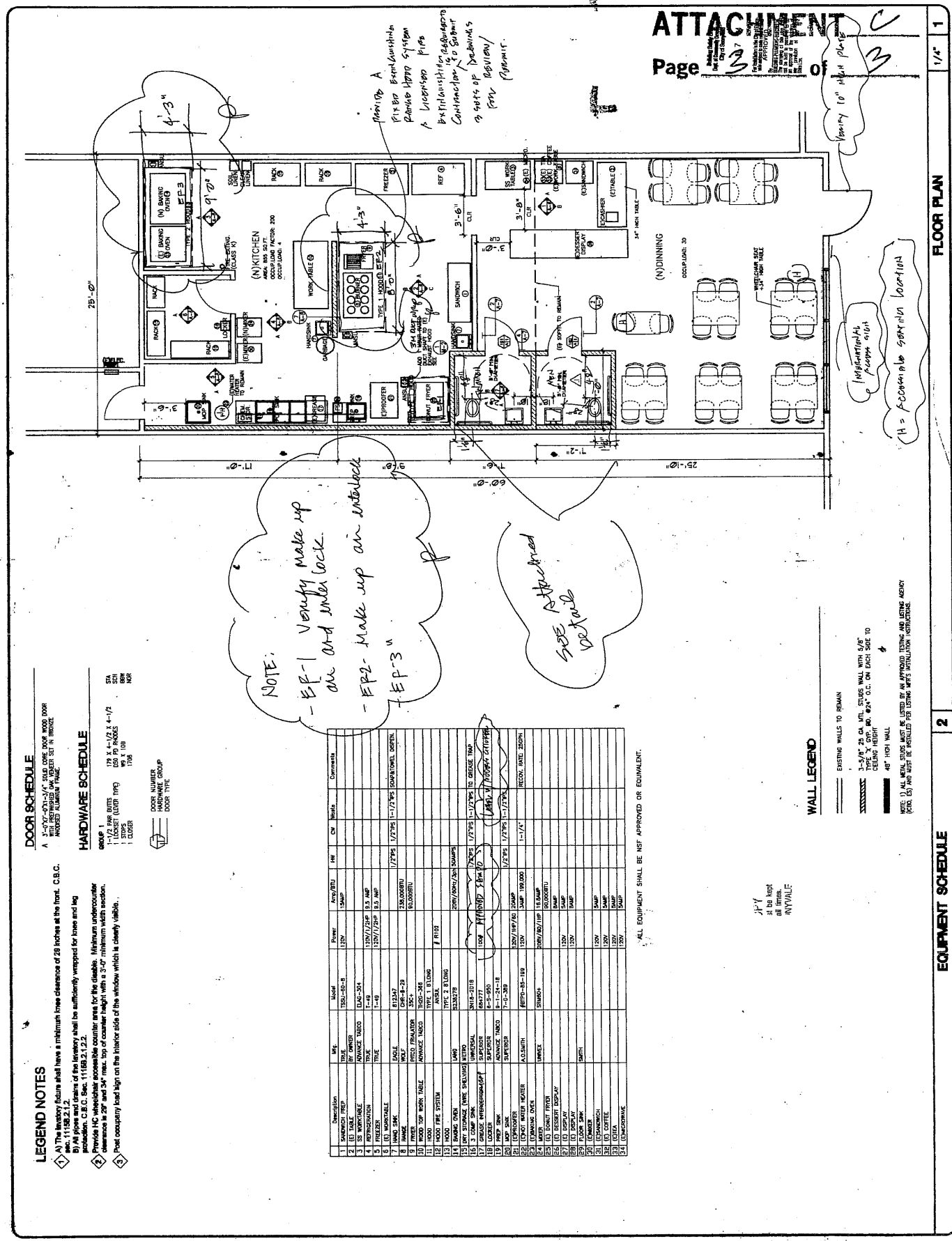
**2. RECYCLING AND SOLID WASTE**

- A. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- B. The property shall remain clean and free of debris and garbage.













To Whom It May Concern:

We Sunny V Café are applying the Beer & wine license now and this letter is regarding why we need the license for our Japanese restaurant and what benefit to our entire neighborhood.

As applying the license, there're couple reasons that why it benefit our entire neighborhood and help this community. Points as follow:

- 1) Sake, is one of the main table wine in Japanese cuisine and it also contain the traditional culture of Japan. Having sake is just letting people know more about Japanese culture and how sake matches with sushi so well along in lunch or dinner time.
- 2) Since we're the only Japanese restaurant serving sake in Dick's Lakewood shopping center and for that particular reason, I think it really help our neighbor a lot for saving time to drive more than 10-15 minute to the closest Japanese restaurant for a bottle of sake.
- 3) As many people know, sake goes well with sushi & sashimi, especially smoke hamachi which is the flavorful smoke fish in Japan. I had check most of the Japanese restaurant around this area and our restaurant Sunny V Café is the only restaurants who selling smoke hamachi in this area, so we can bring our neighbor the best taste of Japanese cuisine.
- 4) It will also help our neighbor willing to spend more money for dinning out; on the other hand, it will help the economic in our community, because of the sale tax everyone paying.
- 5) At last, I think it will make all entire neighborhood happy about it, cause since the day we open, customer from around the area and different faces are asking for sake, so if we have chance to get the license right now, I think that is the most important benefit to all of our neighborhood.

Finally, hope you will accept this letter and hope we will hear good news from you soon, Thank You very much!

Sincerely,

Gary Yiu, CEO  
Sunny V Café  
1133 N. Lawrence Expressway,  
Sunnyvale, CA 94089  
(408) 734-0872



**Required Parking for  
Dick's Lakewood Shopping Center (by Individual Uses)**

Address (Lawrence Expiry.) S.F.	Business	Use	Rate (1 space per x)	Req. Parking
1119/1123	4,100.0	Office/Lake Vista Liquors	Office	180
1127	2,900.0	Giovanni	Restaurant	110
1129	3,000.0	Sunrise Noodle House	Restaurant	110
1131	3,000.0	La Copa	Bar	50
1133	1,700.0	Sunny V Café	Proposed Restaurant	110
1135	7,500.0	Saigon Seafood Harbor	Restaurant	110
1139	27,500.0	New Wing Yuen	Retail	180
1149	1,500.0	N/A	Vacant	180
1151	900.0	Royal Dry Cleaner	Dry Cleaner	180
1153	1,200.0	Lakewood Dental Care	Med. Office	200
1155	900.0	Instyle	Personal Service	180
1157	900.0	Lakewood Barber	Personal Service	180
1161	1,800.0	El Mero Mero	Restaurant	110
<b>Total S.F.</b>	<b>56,900.0</b>		<b>Required Parking</b>	<b>418.5</b>
				<b>(419)</b>